

BITTER FIGHT ON CHANGE OF VENUE

Judge Loving Submits a
Lengthy Affidavit Stat-
ing His Reasons.

DECIDE MATTER THIS MORNING

Judge Barksdale, After Hearing
Argument by Both Sides,
Took Matter Under Ad-
visement Until Court
Convenes This
Morning.

[Special to The Times-Dispatch.]
LOVINGSTON, VA., May 28.—The
place and the time of the trial of Judge
W. G. Loving for the murder of Theo-
dore Estes is still a matter of doubt.
After a day of battling over these and
other questions connected with the
case, the court has the subject of a
change of venue under consideration
to-night, and will announce a decision
at 9:30 o'clock to-morrow.

Judge Barksdale, appointed by Gov-
ernor Swanson to preside at the trial,
arrived, and within an hour the grand
jury returned an indictment.
Only three witnesses were sum-
moned. Two of them were the negro
laborers who were working under the
supervision of Estes in the car, unload-
ing fertilizer at Oakridge on the 22d
of April, when Estes was killed.
The other witness was Dr. W. M.
Tunstall, who examined the corpse
a short time after the shooting.
As soon as the indictment was found,
Judge Loving was brought into court.
It must have been a dramatic moment
with him as he stood at the bar, list-
ening to the reading of the indictment,
charging him with a crime the pur-
suer of which he had for many years
been as one of the State's brightest ex-
amples of the upright judge. Some-
thing of all this may have passed
through the mind of the defendant as
he stood up, tall and erect as a sol-
dier, while the indictment was being
read. His dark eyes fixed steadily on
the face of the clerk. He was
dressed in a suit of blue or black, his
standing collar and black string tie
giving to his appearance suggestive-
ness of the Virginia Statesman. He
wears a black cloth hat.

"Not guilty," says he.
"Not guilty," replied the defendant
in a strong, clear voice, at the conclu-
sion of the indictment. He sat down.
He was not excited, or if he was, his
face and actions did not betray the
fact.

The followed the struggle over the
place and time of the trial to some other
place. The struggle over the ball bond
did not last long, the efforts of the Com-
monwealth to have the defendant com-
mitted to jail terminating in an order
of the court that the bond be ad-
mitted to bond in the sum of \$10,000.
The former bond was half that sum.

But the fight to have the defendant
tried in some other than his native
county was much longer and is not de-
cided.

The prosecution is opposing with the
utmost bitterness the motion of the
defense to have the prisoner taken
elsewhere for trial, and the defense is
likewise putting forth every effort to
transfer the case.

The prosecution is inclined to dwell
on the fact that the defendant is seek-
ing to have the case taken into a
jurisdiction in which strangers will
pass on his case. Instead of having his
trial in a county where neighbors and
friends of a lifetime will see whether
he should be punished or go free. It
is believed the court will order that
the case be tried at Houston, in Hal-
fax county.

The courthouse was not crowded to-
day. In fact, it was not full. While
there is intense interest in the case
throughout the county, tobacco-plant-
ing and corn-planting are the order
of the day in Nelson, and the farmers
are not less precious time.

But should the trial be held in Nel-
son, the village of Lovington will have
held such a crowd as will gather
to witness the proceedings.

Special Grand Jury.

Judge Barksdale arrived shortly be-
fore 11 o'clock and went on the bench
at once, and had the grand jury sum-
moned to the courtroom. Judge Barks-
dale told the jury he had understood
they had been impeached and charged
by Judge Gordon on yesterday. There-
fore, the jury would retire and consider
the case of the Commonwealth vs. Lo-
ving, as Judge Loving had declined to
retire, but a few minutes afterwards
Commonwealth's Attorney Whitehead
moved that the regular grand jury be
discharged, and a special grand jury be
summoned to consider the case.

Judge Barksdale said he had no ob-
jection to the course being taken.
Mr. Whitehead called attention to the
fact that the same grand jury could be
impeached again under the direction
of the Court of Appeals.

The court said he proposed taking
that course, and the jury was brought
back and sworn as a special grand jury.

While the oath was being adminis-
tered to the members of the jury, Judge
Loving arrived, and could be seen
walking through the group with his
counsel to the office of Mr. Strode.
Judge Loving's counsel were not in
court during these proceedings. Daniel
Harrison, of Charlottesville, who is as-
sociated with the prosecution, was at
the bar with the Commonwealth's at-
torney. When the grand jury retired,
Fayette Foster and William Reed, the
two negroes who witnessed the killing
of Estes, and Dr. W. M. Tunstall, who
saw the body after the shooting, were

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COLD WEATHER TO CONTINUE IN THE SOUTH

Special Forecast Predicts Frost
in Middle Atlantic
States.

WASHINGTON, May 28.—Remark-
ably unseasonable weather, with a cold
wave extending throughout the country
east of the Rocky Mountains, ther-
mometers in some sections registering
the lowest temperature for the season
in many years, is reported by the
Weather Bureau. To-night the bureau
issued the following special forecast:

"Front warnings have been issued
for the Middle Atlantic States and
the eastern lower lake region, West-
ern Colorado, Eastern Wyoming,
Utah and Northern Arizona, and
warnings of freezing tempera-
ture for Western Wyoming."

Weather Bureau officials say there is
no immediate prospect of any summer
weather anywhere. The present cold
wave, they add, has been running
throughout most of the present month.
Heavy frosts are reported to the west-
ward from Mexican and other States
of the lake region. The cold wave is
particularly severe in the Southwest,
and is due, according to the weather
experts, to the heavy rains in that
portion of the country. The indications
in this section of the country are for
a light fall of frost to-night.

RICHLAND MAN FATALLY INJURED

Fred J. Heyer, Electrician, Falls
Forty Feet in Alexandria,
Crushing Skull.

[Special to The Times-Dispatch.]
ALEXANDRIA, VA., May 28.—Fred-
erick J. Heyer, an electrician, em-
ployed by the Southern Bell Telephone
Company, whose home is in Richland,
Va., fell from a telephone pole forty
feet high this afternoon and had his
skull crushed. He died ten minutes
after at the hospital. Heyer was twenty-
three years of age and unmarried.
The remains will be forwarded to Rich-
mond to-morrow.

Heyer lived with his mother and
several sisters, at No. 510 North Fifth
Street. He was formerly in the employ
of the Postal Telegraph Company, but
recently severed his relations with the
latter to accept a position with the
Southern Bell Company.

ROOSEVELT BAD AS SOCIALISM